IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 20TH JULY 2006 / 29TH ASHADHA,1928

Bail Appl..No. 4351 of 2006

(CRIME NO.622/2005 OF VARKALA POLICE STATION)

PETITIONER:

SABAD, S/O. ABDUL MANAF,
KALLUVILA VEEDU, KADAVATHUVILA, PALACHIRA P.O.,
VARKALA.

BY ADV. SRI.R.ANILKUMAR

RESPONDENTS:

STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR P.M. HABEEB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4351/2006

DATED THIS THE 20TH DAY OF JULY, 2006

O R D E R

The petitioner is the second accused, in crime No.622/2005 of Varkala Police Station. The offence alleged against him are under Sections 143, 147, 148, 149, 452 and 324 IPC read with Section 149 IPC and also under Section 27 of the Arms Act. The petitioner is before this Court, under Section 438 Cr.P.C., as he apprehends arrest.

2. I heard the learned Public prosecutor. The wound certificate, in respect of the injured, a woman, aged about 36 years, is produced before me. It show that both the accused 1 and 2 had inflicted cut injuries on her forearm and left hand, and because of the injury, tendrons were exposed. The injured was referred to Medical College hospital, Thiruvananthapuram, for expert management. The first accused was arrested and he is on bail.

3. Considering the materials on record, I am not inclined to grant an order, under Section 438 Cr.P.C. However, I direct the petitioner to surrender before the Investigating Officer, on 27.7.2006 between 10.30 a.m and 11.00 a.m. The investigating officer shall interrogate the petitioner and thereafter, produce him before the Court below. In such situation, the learned Magistrate shall proceed against him, basing on the facts, that may be placed before him, and if an application for bail is filed by the petitioner, the same shall also be considered, according to the law.

The application is disposed of as above.

J.M.JAMES
JUDGE

mrcs